

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q62082

Fumihiro SONODA

Appln. No.: 09/774.013

Group Art Unit: 2624

Confirmation No.: 2278

Examiner: Patrick L. EDWARDS

Filed: January 31, 2001

For: IMAGE PROCESSING METHOD

SUPPLEMENTAL REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Supplemental Reply Brief in response to the Supplemental Examiner's Answer dated October 16, 2006. Entry of this Reply Brief is respectfully requested.

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STATUS OF CLAIMS

The status of the claims remains unchanged as set forth in the Appeal Brief filed March 16, 2006 and the Reply Brief filed July 21, 2006.

Claims 1-22 are pending in the present application and stand finally rejected. The rejection of claims 1-22 is being appealed.

SUPPLEMENTAL REPLY BRIEF UNDER 37 C.F.R. § 41.41 Attorney Docket No.: Q62082
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GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-22 are pending in the present application and stand finally rejected.

Claims 1-22 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Stavely et al. (U.S. Patent No. 5,969,372; hereinafter “Stavely”) in view of Yajima et al. (U.S. Patent No. 4,074,231; hereinafter “Yajima”).

ARGUMENT

Appellant now responds to the new points raised by the Examiner in his Answer.

1. Stavely does not disclose performing preprocessing while reading photoelectrically said image

The Examiner asserts on page 2 of the Supplemental Reply Brief mailed October 16, 2006 that the argument with respect to the claim requiring “performing preprocessing...**while** reading photoelectrically said image” was not presented in the Appeal Brief. In particular, the Examiner asserts that the Appellant’s argument that the preprocessing cited by the Examiner is performed **after** the photoelectric reading cited by the Examiner, is a new argument.

Appellant submits that throughout the prosecution for this application, that Stavely did not disclose “performing preprocessing...**while** reading photoelectrically said image.” See, for example, Appeal Brief at page 12, paragraphs 1-4.

Further, Appellant submits that the Appellant was merely addressing the Examiner’s arguments on page 7, para. (f) of the Examiner’s Answer mailed May 23, 2006. The Examiner argued that Stavely describes that the order of Scan A (i.e. the actual image) and Scan B (i.e. the defect image) is not important. Further, the Examiner argued that Stavely implicitly discloses both (1) performing Scan A before performing Scan B, and (2) performing Scan B before performing Scan A. Therefore, the Examiner stated that Stavely discloses reading the defective image (Scan B) before reading the actual image (Scan A) as is required by the claim. Further, the

Examiner reasoned that Stavely discloses that either order is okay and that Stavely is at least implicitly disclosing that Scan B can be performed before Scan A.

In response, Appellant submitted that as discussed in Stavely, col. 2, lines 26-42, col. 4, lines 16-32 and col. 5, lines 45-50, a normal image scan is performed using white light to obtain an image to be corrected and a defect signature scan is performed to obtain an image of the surface defects. Therefore, Stavely does not disclose “performing preprocessing …**while reading photoelectrically said image.**” In particular, the image processing (preprocessing as cited by the Examiner) is performed **after** obtaining a normal image and a defective image.

In addressing the Examiner’s argument in the Examiner’s Answer mailed May 23, 2006, that any order of scanning in Stavely is okay, Appellant submitted that to the extent that the Examiner contends that the ordering of the defect and image reading are immaterial and therefore are at least suggested by Stavely, Stavely does not further teach the temporal relationship as claimed for reading the image and performing preprocessing (in relation to a defect). If, as the Examiner concedes can be the case, the image scan precedes defect scan in Stavely and thus clearly cannot meet this temporal relationship of the claims.

The Examiner asserts on page 3 of the Supplemental Examiner’s Answer mailed October 16, 2006, that Stavely discloses in one instance performing one of the scans in its entirety then performing the next scan in its entirety. The Examiner states that in another instance, Stavely discloses switching between two scans on a line-by-line basis. See Stavely col. 5, lines 15-17. Therefore, the Examiner asserts that Stavely discloses performing this preprocessing while reading the actual image.

However, in relying upon the switching between two scans on a line-by-line basis, this aspect of Stavely does not show “reading a defective image to provide information regarding a defect on a film: **then**, reading photoelectrically said image to obtain an actual image reading photoelectrically said image to obtain an actual image.” As discussed on Stavely, col. 5, lines 45-50, for each scan line, image processing is then used on a pixel by pixel basis to remove image areas from the white light scan corresponding to low intensity areas in the infrared scan. Consequently, since scanning is performed on a line-by-line basis, a defective image has not been read to provide information regarding a defect on a film by the time preprocessing is performed on a defective image while reading photoelectrically said image.

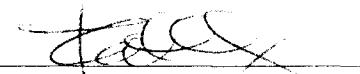
For at least the above reasons and those set forth in the Appeal Brief and the Reply Brief, claim 1 and its dependent claims should be deemed allowable.

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CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted.


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